



August 1998

# **Superfund Fact Sheet**

## **Commencement Bay Nearshore/Tideflats**

### **(Middle Waterway)**

### **Tacoma, Washington**

*EPA Announces the Public Comment Period on a Proposed Consent Decree on Middle Waterway. The Comment Period will run from August 4 to September 11, 1998.*

#### **Public Comment Period**

The public is invited to comment on a proposed settlement agreement between EPA and Port Yacht Basin, Inc. (doing business as Pacific Yacht Basin). The proposed agreement, called a federal consent decree, is a settlement of Port Yacht Basin's liability under the Superfund law for the Middle Waterway portion of the Commencement Bay Nearshore/Tideflats (Commencement Bay) Superfund Site in Tacoma, Washington.

This fact sheet is being distributed to everyone on the EPA mailing list for the site in order to notify the affected community and to invite public comment on the proposed consent decree. Written comments should refer to United States v. Port Yacht Basin, et al., No. C98-5362 (W.D. Wash. 1998), DOJ Ref. #90-11-2-06008 and be sent before September 11, 1998 to:

Lois Schiffer, Asst. Attorney General  
Environment and Natural Resources  
Division  
U.S. Department of Justice  
Washington, D.C. 20530

The U.S. Department of Justice (DOJ), who represents EPA in matters before the court, has filed the proposed consent decree in federal district court. Prior to the approval of this agreement, however, the consent decree must be subject to 30 days of public comment. DOJ will provide to a

federal judge all public comments and agency responses to public comments. The judge will finalize the consent decree only after all public comments have been adequately addressed.

The basis for the agreement is that Port Yacht Basin's contribution to contamination in Middle Waterway was minimal in comparison to other sources of contamination and that Port Yacht Basin has an inability to pay cleanup costs. In return for settling its liability, Port Yacht Basin agrees to cooperate fully with parties performing remedial design and cleanup activities and provide access to its property upon request.

Copies of the proposed consent decree are available for public review at the following locations:

In Tacoma:

Tacoma Public Library Main Branch  
1102 Tacoma Avenue South  
Northwest Room  
Tacoma, WA

Citizens for a Healthy Bay  
771 Broadway  
Tacoma, WA

In Seattle:

U.S. Environmental Protection Agency  
Superfund Records Center  
1200 Sixth Avenue, 7th Floor  
Seattle, Washington

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## Site Background

The Commencement Bay Superfund Site encompasses approximately 12 square miles at the mouth of the Puyallup River in Puget Sound. During this century, the tideflats area has been filled in for industrial and commercial development and now consists of several man-made waterways, including Middle Waterway.

EPA listed the Commencement Bay Site, including its shoreline, shallow waters, tideflats, sediments, and upland areas on the National Priorities List in 1983. Since then, EPA and the State of Washington Department of Ecology have completed an investigation of the sediment contamination and sources of contamination to the Bay. A group of private parties known as the Middle Waterway Action Committee is conducting pre-design and remedial design studies in order to develop a cleanup plan for Middle Waterway.

## Summary of the Proposed Consent Decree

The consent decree is a legal document which resolves Port Yacht Basin's liability under Superfund for cleanup of Middle Waterway. Port Yacht Basin owns property on the west side at the head (southern end) of the Waterway. Port Yacht Basin repairs small boat engines on this property.

Based on current information about Middle Waterway, EPA has determined that Port Yacht Basin's contribution to the contamination of the Waterway is minimal in comparison to other sources of contamination. Port Yacht Basin's business does not contribute significantly to contamination in the Waterway. Sandblast grit that was thought to be on Port Yacht Basin's property is actually located on adjacent state-owned property managed by the Department of Natural Resources. Accordingly, Port Yacht Basin appears to be a very minimal source of

contamination through pathways such as bank erosion, surface water transport and ground-water flow into the Waterway. In addition, samples from the short stretch of bank owned by Port Yacht Basin do not indicate high levels of mercury, which is the primary contaminant of concern in the marine sediments located near the bank.

Also, EPA has reviewed Port Yacht Basin's financial records, and the financial records of its shareholders, Mr. and Mrs. Van Volkenburg, and determined that there is an inability to pay a share of cleanup costs.

Accordingly, the consent decree does not require Port Yacht Basin to make a monetary contribution. The consent does require, however, that Port Yacht Basin cooperate fully with parties performing remedial design and cleanup activities and provide access to its property upon request.

## For More Information

If you have any questions about this fact sheet, please contact one of the following people.

**Elly Hale**, Project Manager,  
**(206) 553-1215**

**Tod Gold**, Regional Counsel,  
**(206) 553-2569**

**Jeanne O'Dell**, Community Involvement  
Coordinator, **(206) 553-6919**

*For those with impaired hearing or speech, please contact EPA's telecommunication device for the hearing impaired (TDD) at (206) 553-1698. To ensure effective communication with everyone, additional services can be made available to persons with disabilities by contacting one of the numbers listed above.*



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Environmental Protection  
Agency

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